
	<b>LOS LUNAS POLICE DEPARTMENT</b>	
	OPERATIONS	NUMBER: OPR.07.02
	EFFECTIVE DATE: May 26, 2015	
	REVIEW DATE: August 13, 2015	
SUBJECT: Motor Vehicle Inventory		
AMENDS/ SUPERSEDES:		NMSA:
NMMLEPSC STANDARDS:		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature

## I. PURPOSE

The purpose of this policy is to provide officers with guidelines for determining when and how a motor vehicle inventory should be conducted.

## II. POLICY

A motor vehicle inventory is an administrative measure designed to protect motor vehicles and their contents while in police custody; to protect the agency against claims of lost, stolen or damaged property; and to protect departmental personnel and the public against injury or damaged property due to hazardous materials or substances that may be in the vehicle. It is the policy of this law enforcement agency to safeguard the above property and interests and to conduct motor vehicle inventories only in accordance with the following procedures.

## III. PROCEDURES

### A. Legal Authority to Inventory

1. An authorized member of this agency may conduct a motor vehicle inventory without a warrant or probable cause when;
  - a. The vehicle has been lawfully seized or impounded pursuant to the arrest of the driver; after towing the vehicle for violations, or for related enforcement or safety reasons as defined by state law, and

- b. When officers conduct the inventory within the scope of this policy as an administrative procedure.
2. Examination of the contents of a motor vehicle pursuant to a criminal investigation or with the intent of discovering evidence of a crime is a search, not an administrative inventory. Officers shall be guided by this agency's policy on motor vehicle searches when engaged in these actions.
3. Motor vehicles shall not be inventoried for purposes other than those defined by department policy, (e.g., not as a form of punishment, or as a means of conducting vehicle searches when probable cause does not exist or consent to search cannot be obtained).

#### B. Scope of Inventory

1. The contents of all motor vehicles that are lawfully seized and/or impounded by this agency shall be subject to inventory in accordance with the provisions of section III-A of this policy.
2. An inventory should be conducted in the location at which the vehicle is seized unless limited by reasons of safety or practicality. If so, officers should make reasonable attempts to remain with the vehicle during the time it is being relocated and once the vehicle has been relocated the vehicle will be inventoried as soon as practical.
3. The owner or operator of the vehicle shall be asked to remove, if possible, all valuables from the vehicle prior to impoundment. If such items cannot be removed, they shall be inventoried before the vehicle is removed.
4. The owner or operator of the vehicle should be allowed to leave the scene if he/ she is not being lawfully detained.
5. A motor vehicle inventory may extend to all areas of the vehicle in which personal property or hazardous materials may reasonably be found, including but not limited to the passenger compartment, trunk and glove compartment.
6. All closed containers found within the vehicle shall be opened for purposes of the inventory. Closed and locked containers shall not be forced open but shall be logged on the tow report as such. If a

key or lock combination is available, locked containers may be opened and inventoried.

7. The occupants of a vehicle being inventoried shall not be required to remain on scene or detained in any way during the inventory, unless facts and circumstances lawfully allow for detention.

#### C. Property Control

1. All items of value shall be itemized on this agency's tow inventory form by either the officer physically doing the inventory or in conjunction with the officer doing the inventory.
2. Contraband and evidence discovered during the course of a motor vehicle inventory shall be deposited with the evidence custodian in accordance with procedures for control of criminal evidence.
3. If items of evidentiary value are discovered (related to a criminal charge) during the course of a vehicle inventory, in most cases the inventory should stop and the officer should seal the vehicle and petition to the court for a search warrant on the vehicle and continue with a search once the warrant has been obtained.
4. When listing property on a tow inventory officers should be specific when describing the property being inventoried. (e.g. Hewlett Packard 8700 Laptop Computer instead of simply stating "laptop").
5. In the event, during the course of a vehicle inventory, an item of value is located and the officer determines it should be tagged in the department for safe keeping, the officer may do so in accordance with the departments property/ evidence policy.